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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,039	11/04/2003	Peter Worthington Hamilton	5922R2CCC	6157

27752 7590 12/21/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER

CHANG, VICTOR S

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,039

Applicant(s)

HAMILTON ET AL.

Examiner

Victor S. Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 11/9/2005. Applicants' amendments to claim 1, and cancellation of claim 20 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn.

Double Patenting

4. Claims 1, 2, 4, 6, 7, 13, 16 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 7, 8, 14, 16, 17, 19 and 24 of U.S. Patent No. 6,194,062, generally as set forth in section 9 of Office action mailed 8/10/2005.

Applicants' reply filed 11/9/2005 stating "... will submit an appropriate Terminal Disclaimer ... at such a time as allowable subject matter has been identified" is noted.

5. Claims 1, 2, 4, 6, 7, 13, 16 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 7, 8 and 9 of U.S. Patent No. 6,818,292, generally as set forth in section 10 of Office action mailed 8/10/2005, with additional notes as set forth above.

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6. Claims 1, 2, 4, 6, 7, 13, 16 and 17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9, 10, 14, 15, 18, 41, 50, 52, 55, 58, 66, 95, 97, 98, 100, 101, 105, 106 and 108 of copending Application No. 09/715,586, generally as set forth in section 11 of Office action mailed 8/10/2005, with additional notes as set forth above.

7. Claims 1, 2, 4, 6, 7, 13, 16 and 17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 4, 10, 12-14, 17, 38-41, 47, 49-51, 53, 54, 86-89, 97-99 and 102 of copending Application No. 09/716,740, generally as set forth in section 12 of Office action mailed 8/10/2005, with additional notes as set forth above.

8. Claims 1, 2, 4, 6, 7, 13, 16 and 17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 10, 16 of copending Application No. 10/003,900, generally as set forth in section 13 of Office action mailed 8/10/2005, with additional notes as set forth above.

Rejections Based on Prior Art

9. Claims 1, 2, 4-9 and 11-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wilbur (US 2338749), generally as set forth in section 16 of Office action mailed 8/10/2005, together with the following response to argument.

First, for the purpose of clarity, the Examiner repeats the relied upon prior art as follows: Wilbur's invention relates to wrappers of flexible paper or other equivalent

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sheet material (column 1, lines 1-3). Wilbur teaches that the invention can be embodied in a label, wrapper, envelope or other article of flexible sheet material intended for other uses (page 1, column 2, lines 34-37). Fig. 7 shows that an embodiment in which a multiplicity of pin punctures 16 each of which is surrounded by an outstanding tubular burr 17, and surrounded by a coating of permanently sticky or tacky adhesive 18. The outstanding burrs 17 serve as means for normally shielding the adhesive coating against accidental contact with other objects. When end portions are overlapped and pressed together, the burrs or bosses 17 are collapsed, the ends are united by the adhesive (page 2, column 1, line 48 to column 2, line 8). Wilbur is silent about the percent surface coverage of the protrusions. However, since Wilbur teaches the same subject matter (a flexible wrapper sheet material) and for the same application (wrapping and enveloping), in the absence of evidence to the contrary, it is the Examiner's position that a suitable surface coverage of the outstanding tubular burrs are either anticipated, or obviously provided by practicing the invention of prior art. It should be noted that where the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. See MPEP § 2112.01.

With respect to Applicants' argument "The cited reference provides no teaching or suggestion relating to the proportion of the adhesive portion of the sheet that should be present in the form of protrusion" (Remarks, page 8, third paragraph), the Examiner repeats, as set forth above, that since Wilbur teaches the same subject matter (a

flexible wrapper sheet material) and for the same application (wrapping and enveloping), in the absence of evidence to the contrary, it is the Examiner's position that a suitable surface coverage of the outstanding tubular burrs are either anticipated, or obviously provided by practicing the invention of prior art.

With respect to Applicant's argument "the reference cannot be found to have taught or suggested that a sheet having protrusions in the range of 30% to 70% of the sheet area as provided by the rejection." (Remarks, page 8, third paragraph), the Examiner notes that in the absence of factual support, attorney's argument cannot take place of evidence.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbur (US 2338749) in view of Reed et al. (US 4054697), generally as set forth in section 17 of Office action mailed 8/10/2005, together with the response to argument as set forth above.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbur (US 2338749) in view of the admitted prior art, generally as set forth in section 18 of Office action mailed 8/10/2005, together with the response to argument as set forth above.

12. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbur (US 2338749) in view of Reed et al. (US 4054697) and Kovac (US 3819467), generally as set forth in section 19 of Office action mailed 8/10/2005, together with the response to argument as set forth above.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

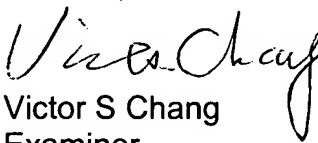
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S Chang
Examiner
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12/13/2005